

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION**

**Call to Order:** By **CHAIRMAN GAY ANN MASOLO**, on February 1, 1999  
at 3:00 P.M., in Room 312 - 1 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Gay Ann Masolo, Chairman (R)  
Rep. Bob Lawson, Vice Chairman (R)  
Rep. Linda McCulloch, Vice Chairman (D)  
Rep. Joan Andersen (R)  
Rep. Tom Facey (D)  
Rep. Daniel Fuchs (R)  
Rep. Kathleen Galvin-Halcro (D)  
Rep. Kim Gillan (D)  
Rep. John L. Holden (R)  
Rep. Sam Kitzenberg (R)  
Rep. Monica Lindeen (D)  
Rep. Jeff Mangan (D)  
Rep. Joe McKenney (R)  
Rep. Mark Noennig (R)  
Rep. Bill Rehbein (R)  
Rep. Sam Rose (R)  
Rep. Allan Walters (R)  
Rep. Diana Wyatt (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Branch  
Linda Scott, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing Dated: HB 376, 1/30/1999  
Executive Action: HB 401; HB 103; HB 348

HEARING ON HB 376

Opening Statement by Sponsor:

*{Tape : 1; Side : A; Approx. Tape Counter : 27 - 68}*

Proponents' Testimony:

Laurie Koutnik, Christian Coalition of Montana

**EXHIBIT**(edh25a01)

*{Tape : 1; Side : A; Approx. Tape Counter : 72 - 187}*

Carolyn Landorf

*{Tape : 1; Side : A; Approx. Tape Counter : 190 - 259}*

Dr. Mark H. Moser,

**EXHIBIT**(edh25a02)

*{Tape : 1; Side : A; Approx. Tape Counter : 261 - 291}*

Loran Frazier, Intermountain Internet

*{Tape : 1; Side : A; Approx. Tape Counter : 294 - 351}*

Arlette Randash, Eagle Forum

**EXHIBIT**(edh25a03)

*{Tape : 1; Side : A; Approx. Tape Counter : 354 - 476}*

Jenny Dodge, Citizens' Network

**EXHIBIT**(edh25a04)

*{Tape : 1; Side : B; Approx. Tape Counter : 478 - 479}*

Sharon Hoff, Montana Catholic Conference

**EXHIBIT**(edh25a05)

*{Tape : 1; Side : B; Approx. Tape Counter : 480 - 481}*

Rep. Peggy Arnott-Bergsagel

*{Tape : 1; Side : B; Approx. Tape Counter : 483 - 498}*

Verdell Jackson

*{Tape : 1; Side : B; Approx. Tape Counter : 499 - 505}*

Dallas Erickson, Montana Citizens for Decency through Law, Inc.

**EXHIBIT**(ed  
h25a06)

**EXHIBIT**(edh25a07)

**EXHIBIT**(edh25a08)

**EXHIBIT**(ed  
h25a09)

***{Tape : 1; Side : B; Approx. Tape Counter : 507 - 519}***

Rep. Bob Lawson, presented Fax from School District #44.

**EXHIBIT (edh25a10)**

*{Tape : 1; Side : B; Approx. Tape Counter : 520 - 525}*

**Opponents' Testimony:**

Lance Mellon, M.S.B.A.

**EXHIBIT** (edh25a11)

*{Tape : 1; Side : B; Approx. Tape Counter : 530 - 597}*

Phil Curtiss, Director, Div. of Tech., InfoMine of the Rockies, Inc., Helena, Mt.

**EXHIBIT** (edh25a12)

*{Tape : 1; Side : B; Approx. Tape Counter : 602 - 674}*

Phil Campbell, M.E.A. & M.F.T.

*{Tape : 1; Side : B; Approx. Tape Counter : 677 - 708}*

Mike Fellows, Montana Libertarian Party

*{Tape : 1; Side : B; Approx. Tape Counter : 710 - 724}*

Lois Fitzpatrick, Montana Library Assoc.

**EXHIBIT** (edh25a13)

*{Tape : 1; Side : B; Approx. Tape Counter : 726 - 746}*

Scott Crichton, A.C.L.U.

**EXHIBIT** (edh25a14)

*{Tape : 1; Side : B; Approx. Tape Counter : 751 - 832}*

Jacqueline T. Linmark, Coalition for Free Expression

*{Tape : 1; Side : B; Approx. Tape Counter : 834 - 898}*

**Informational Testimony:**

Bill Cooper, Deputy Director, O.P.I.

*{Tape : 2; Side : A; Approx. Tape Counter : 39 - 46}*

Scott Buswell, Dept. Admin., Network Services, O.P.I.

**EXHIBIT** (edh25a15)

**EXHIBIT** (edh25a16)

**EXHIBIT** (edh25a17)

**EXHIBIT** (edh25a18)

**EXHIBIT** (edh25a19)

*{Tape : 2; Side : A; Approx. Tape Counter : 47 - 95}*

Questions from Committee Members and Responses:

{Tape : 2; Side : A & B; Approx. Tape Counter : 99 - 588}

Closing by Sponsor:

{Tape : 2; Side : B; Approx. Tape Counter : 617 - 680}

HEARING ON HB 401

Opening Statement by Sponsor: Rep. Bob Lawson

{Tape : 2; Side : B; Approx. Tape Counter : 693 - 750}

Proponents' Testimony:

Lance Mellon, M.S.B.A.

{Tape : 2; Side : B; Approx. Tape Counter : 753 - 759}

Bill Cooper, Deputy Director, O.P.I.

{Tape : 2; Side : B; Approx. Tape Counter : 762 - 779}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

{Tape : 2; Side : B; Approx. Tape Counter : 786 - 790}

EXECUTIVE ACTION ON HB 401

Motion: REP. FUCHS moved that HB 401 DO PASS.

{Tape : 2; Side : B; Approx. Tape Counter : 792 - 801}

Discussion concerning HB 401

{Tape : 2; Side : B; Approx. Tape Counter : 802 - 866}

{Tape : 3; Side : A; Approx. Tape Counter : 1 - 24}

Motion/Vote: REP. LAWSON moved that HB 401 BE TABLED. Motion carried 15-2, with Reps. Fuchs and Rehbein voting no, and Rep. Holden absent.

EXECUTIVE ACTION ON HB 103

Motion: REP. LAWSON moved that HB 103 DO PASS.

Motion: REP. LAWSON moved HB 103 AMENDMENTS.

{Tape : 3; Side : A; Approx. Tape Counter : 63 - 65}

Discussion with Committee Members and O.P.I.

{Tape : 3; Side : A; Approx. Tape Counter : 85 - 260}

Motion/Vote: REP. FUCHS moved that HB 103 AMENDMENT BE ADOPTED.

Motion carried unanimously.

{Tape : 3; Side : A; Approx. Tape Counter : 262 - 282}

Motion: REP. LAWSON moved that HB 103 DO PASS AS AMENDED.

{Tape : 3; Side : A; Approx. Tape Counter : 284 - 286}

Discussion further clarifying HB 103.

{Tape : 3; Side : A; Approx. Tape Counter : 287 - 401}

Motion/Vote: REP. MANGAN moved that HB 103 DO PASS AS AMENDED.

Motion passed 14-4, with Reps. Fuchs, Rehbein, Walters, and Masolo voting no.

{Tape : 3; Side : A; Approx. Tape Counter : 404 - 427}

#### EXECUTIVE ACTION ON HB 348

Motion: REP. FACEY moved that HB 348 BE ADOPTED.

Motion: REP. FACEY moved that HB 348 BE ADOPTED AS AMENDED.

{Tape : 3; Side : A; Approx. Tape Counter : 429 - 442}

Discussion and clarification on Amendment

{Tape : 3; Side : A; Approx. Tape Counter : 443 - 461}

Motion/Vote: REP. MANGAN moved that HB 348 AMENDMENT BE ADOPTED.

Motion carried unanimously.

{Tape : 3; Side : A; Approx. Tape Counter : 463 - 472}

Motion/Vote: REP. KITZENBERG moved that HB 348 DO PASS AS AMENDED. Motion carried unanimously.

{Tape : 3; Side : A; Approx. Tape Counter : 474 - 488}

#### EXECUTIVE ACTION ON SB 2

Motion: REP. FUCHS moved that SB 2 BE CONCURRED IN.

{Tape : 3; Side : A; Approx. Tape Counter : 489 - 492}

Motion/Vote: REP. ROSE moved that SB 2 BE CONCURRED IN. Motion carried 17-1, with Rep. Rehbein voting no, in which case, the

Committee unanimously voted to have Rep. Rehbein carry the bill to the Senate.

***{Tape : 3; Side : A; Approx. Tape Counter : 494 - 520}***

**ADJOURNMENT**

Adjournment: 6:00 P.M.

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REP. GAY ANN MASOLO, Chairman

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LINDA SCOTT, Secretary

GM/LS

**EXHIBIT (edh25aad)**